

Legal Protection Efforts For Children Against Physical And Psychological Violence Committed By Parents

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ABSTRACT

Child abuse is the behavior of violence, abuse, or torture committed by parents or adults that can cause physical and psychological harm to children. Child abuse is a condition that has long occurred in society, even though it is not in accordance with the law. But the practice still occurs even in almost all levels of society. This makes the condition of children paradoxical. With the incidents of physical and psychological violence committed by parents, the question arises 1) What are the long-term effects of physical and psychological violence on children, both physically, emotionally, and psychologically, 2) How can legal protection efforts be carried out to protect children from physical and psychological violence committed by parents. The main objectives of our research are to prevent the occurrence of physical and psychological violence against children by parents and stop the violence that is happening, provide education and raise public awareness about the negative impact of physical and psychological violence against children and the importance of protecting children's rights, provide an in-depth understanding of the long-term consequences of physical and psychological violence against children, and to explore the existing legal protection framework to prevent and overcome such violence. The research used is an empirical research method using a qualitative approach that focuses on case studies, and applies data collection techniques through observation, interviews, and documentation in the context of field studies. The results of the research found that physical and psychological violence occurs because of the factors that cause it, namely: factors of disciplining children, economic factors, environmental factors, lack of education of the perpetrator, feelings of annoyance with the behavior of children, low parental knowledge, lack of understanding of children's rights and limitations of the Legal System. The results of this study indicate: a). Forms of legal protection against child victims of criminal acts of violence by parents b). Factors of child abuse committed by parents c). Efforts to overcome violence against children by parents. Based on these findings, the author states: it is necessary to do as much as possible to prevent child abuse through the community, parents and legal officials so that violence against children does not occur. And the maximum handling is done so that it is not fatal to the development of the victim. Maximizing the potential and aspects of the existing community, and efforts to deal with violence against children in preventing and dealing with violence.

Keywords:

Violence; Children; Legal Protection Efforts

INTRODUCTION

In recent years, there are still frequent acts of physical and psychological violence against children. Violence experienced by children from parents can have long-term detrimental effects on their physical, emotional and psychological well-being. A crime that often occurs in people's lives is violence. Violence is a mere behavior carried out by someone against another person with the aim of hurting or injuring psychologically or physically (Andhini & Ridwan, 2019). Acts of physical and psychological violence can cause serious impacts on children such as a) emotional disturbances children become more often sad or angry, have difficulty sleeping, have nightmares, have low self-confidence, want to hurt themselves, or even desire to commit suicide, b) Damage the development of the brain and nervous

system, the effects of violence on children can also affect the structure and development of the brain, until there is a decrease in brain function in certain parts. This has the potential to have long-term effects, ranging from decreased academic achievement, to mental health problems as an adult, c) Risk of death, if parents abuse children who are still unable to defend themselves, parents may hit or hurt their children too hard, until the child loses their life, d) Have a higher risk of health problems in the future, e) Risk of mental disorders as an adult (article: Aghnis Fauziah; Wednesday, June 30, 2021). For this reason, it is necessary to make protection efforts to realize the welfare of children by providing guarantees for the fulfillment of their rights without discriminatory treatment (Kobandaha, 2017).

Law Number 35 of 2014 concerning child protection emphasizes that child protection organizers are parents, families, governments and states, the first burden in organizing child protection falls on parents, but in the modern era like today most parents are busy with their work and begin to ignore their children. (Fachri, 2018).

Child abuse is the behavior of violence, abuse, or torture that causes physical and psychological harm to children. Violence against children is a long-standing condition in society, even though it is not in accordance with the law. But the practice still occurs even in almost all levels of society. This makes the condition of children paradoxical. That is, ideally, children are the heirs and continuation of the nation's future, but in reality, the situation of children continues to deteriorate.

Last year cases of violence against children in Bima increased and the dominance of cases of sexual abuse or violence was followed by persecution, from the data of upt ppa kab.bima there were 54 cases starting from January to October 2023. Cases of violence against children in Bima district have increased in 2023 compared to 2022. Therefore, every child has the right to get a decent livelihood and protection, and can grow and develop optimally. In Law number 23 of 2002 article 4 regarding Child protection, namely "*every child has the right to be able to live, grow, develop, and participate reasonably in accordance with the dignity of humanity and receive protection from violence and discrimination*". protection is intended to protect children who are exploited economically, sexually, trafficked children, children who are victims of narcotics, alcohol, psychotropic abuse, children victims of physical or mental violence and other addictive.

In the Islamic view, violence is prohibited. Indonesia as a country with the largest Muslim population has high cases of violence. Number of Child Violence Cases Complained to the National Commission for Child Protection (2023). The National Commission on Child Protection (Komnas PA) revealed that there were 3,547 complaints of cases of violence against children received throughout 2023. The complaints were collected from a number of channels, from direct complaints, hotline services, to electronic messages. This number of complaints increased from the previous year. "Compared to the previous year, this year there was a 30% increase," said Acting Chairperson of Komnas PA Lia Latifah in a virtual press conference, Thursday (28/12/2023). The most dominating case is sexual violence with a total of 1,915 complaints this year. Then followed by physical violence with 985 cases and psychological violence with 674 cases. Based on the place of occurrence, the most cases of violence against children occurred in the family environment, as many as 35%. Followed by incidents in the school environment as much as 30%, social environment 23%, and not mentioned 12%. (article: Nabila Muhammad; 29/12/2023).

According to (Muhammad Iqbal et al, 2023), talking about the issue of violence against children in the household, it is necessary to know the assumption of what is meant by this. And if the opinion of violence against children develops in society, in general people think that violence against children is an internal family affair in the household (Junaidi, 2020). Domestic violence can be caused by several factors, both internal and external factors within the scope of the household. Internal factors that trigger domestic violence include: the character of the abuser who tends to emotion child neglect, economic conditions or poverty. These factors can trigger domestic violence, which has been happening a lot (Zarkasi, 2023). Many children learn violent behavior from their parents and when they grow into adults they commit acts of violence against their children. Violent behavior is inherited (transmitted) from generation to generation. Studies show that approximately 30% of children who are treated violently become parents who act violently towards their children. Meanwhile, only 2 to 3 percent of all individuals become violent parents (Abu, 2018).

Based on the results of previous research, our group will embark on an endeavor and are interested in further researching 1) What are the long-term effects of physical and psychological abuse on children,

both physically, emotionally, and psychologically? and 2) How can legal protection efforts be carried out to protect children from physical and psychological violence committed by parents?

METHOD

The research used is an empirical research method that uses a qualitative approach that focuses on case studies, and applies data collection techniques through observation, interviews or writing, and documentation in the context of field studies. The qualitative method is research that aims to gain an understanding of reality through inductive thinking. Qualitative research aims to gain a general understanding of social reality from the perspective of participants. This understanding is not determined in advance, but is obtained after analyzing the social reality that is the focus of the research. (Sugiyono, 2012).

The method used also includes normative juridical or statutory juridical. This research is analytical juridical descriptive research with data sources of primary, secondary legal materials, as well as those supported by primary data, and analyzed qualitatively juridically.

Qualitative research becomes the main instrument for collecting data. Taking into account that the data obtained in the field may be facts that require in-depth analysis, a qualitative approach will further encourage the achievement of more in-depth data, especially if the researcher himself is involved in the field.

The researchers conduct in-depth interviews with respondents to understand their viewpoints, experiences and opinions. Primary data will be obtained from observations and interviews obtained from the community while secondary data will be obtained through news, literature, journals, books and articles.

RESULTS AND DISCUSSION

Protection is the provision of security, tranquility, welfare, and peace both now and in the future. However, legal protection of children also depends on other means, such as society, environment, culture, and bright future prospects. Child protection is carried out in a rational, responsible, and beneficial manner, and is carried out effectively and efficiently. Child protection must be carried out according to their needs so that it does not seem excessive or by taking into account the impact on the environment and the child himself. (Muhammad Fachri Said; 2018). Therefore, child protection is an innovative effort to give children the opportunity to live on their own, which means they have the ability and desire to utilize their rights and obligations as children.

The Impact of Parental Violence on Children's Psychological Development

Incidents of violence perpetrated by parents always have a profound impact. These cases cause stress, pressure, and physical and mental changes. The impacts that arise after violence committed by parents include: a) The impact of physical violence. Children who are abused by their parents will become very aggressive, and after becoming parents, they will be cruel to their children. Aggressive parents give birth to aggressive children, who in turn will become aggressive adults as well. Lawson (in Sitohang; 2004) states that every type of mental disorder experienced by children is associated with the mistreatment they receive during childhood. Repeated and sustained physical abuse can lead to severe physical injury and death. b) The impact of psychological abuse. Because unlike physical abuse, psychological abuse does not leave obvious marks, according to Nadia (1991). This violence leaves hidden marks in a number of ways, such as insecurity, difficulty building friendships, destructive behavior, constant withdrawal from the environment, drug and alcohol abuse, and suicidal tendencies. (Jaja Suteja; 2019). Examples of psychological or emotional forms can be in the form of nonverbal or non-physical forms, such as hostility or denial of care, disrupting communication, belittling, demeaning, scapegoating, threatening, discriminating, ridiculing, over-criticizing, calling unpleasant names, insulting, and threatening children. (Ariani, et al; 2022).

Based on the above, it can be concluded that children who experience physical or mental abuse can experience mental health problems such as stress, anxiety, depression, and psychological trauma. They also often experience behavioral changes, learning difficulties, and serious emotional problems. It is important to remember that each child's reaction to violence varies and depends on a variety of factors, including age, type of violence, duration, and available social support. Preventing violence against

children and providing appropriate support for those who experience violence are important to ensure well-being and good development.

In daily life, society often emphasizes the importance of obeying parental orders, but sometimes, while fulfilling parental expectations, children feel pressured and threatened. This situation can lead to child abuse. Parents may believe that violence will make children obedient, but the result is often the opposite, making children recalcitrant and stubborn. As a result, there are often behaviors that parents should not do to their children, such as beating, confinement, insults with harsh words, and so on.

There are several forms of violence committed as quoted from the spkipsi (syaifulloh, 2017) revealing several forms of violence committed by parents, namely: a) Physical violence. Physical violence is a form of violence, where the victim experiences physical suffering in both mild and severe forms. b) Sexual violence. Sexual violence can take the form of sexual harassment such as words, symbols, and attitudes that lead to porn, obscene acts, rape and the like. c) Psychological violence. Psychological violence is a form of violence that is not visible evidence that can be seen from the naked eye is psychological violence. Forms of psychological violence include verbal expressions, unpleasant attitudes or actions that cause a victim to feel depressed. d) Economic violence/economic neglect. Violence in economic neglect generally does not carry out its responsibilities in providing livelihood and other economic rights to wives, children or other family members within the scope of the household.

After conducting interviews with the community we found that there are several factors that cause violence to occur in children. "Then the results of the research found by researchers when conducting interviews with the community say that physical and psychological violence occurs because of the factors that cause it, namely, the factor of disciplining children, economic factors that affect family conditions, environmental factors, the lack of education obtained by the perpetrators of violence, feelings of annoyance at the behavior of children, low parental knowledge, lack of understanding of children's rights and the limitations of the Legal System."

Based on the above findings, by knowing the factors that cause this violence, intervention and prevention measures can be directed towards raising community awareness, providing better education, and strengthening child protection systems and law enforcement in the region.

Legal protection measures

Regarding the responsibility of the state, regulations regarding child protection due to violence are specifically regulated in Article 59 Paragraph 2 letter i of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 which explains that this special protection is regulated to be given to child victims of physical or psychological violence. The special protection is as follows: Rapid handling with treatment or physical, psychological, social rehabilitation, and disease prevention from other health problems; Psycho-social assistance while undergoing treatment and also until the victim's recovery; Psycho-social assistance while undergoing treatment and also until the victim's recovery; Provide protection and accompany children during the judicial process.

Based on the above rules, it explains that among others, it obliges and gives responsibility to respect the fulfillment of children's rights without distinguishing ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status, birth order, and physical and / or mental conditions, as well as protecting, and respecting children's rights and being responsible for formulating and implementing policies in the field of child protection implementation. Then in this law the local government is obliged and responsible for implementing and supporting national policies in the implementation of child protection in the region which can be realized through regional efforts to build child-friendly districts / cities, as well as providing support for facilities, infrastructure, and the availability of human resources in the implementation of child protection.

The responsibilities of the government and state in protecting children from physical and psychological abuse include: 1) Provide support and facilities to organize child protection; 2) Respect and guarantee the human rights of every child without distinguishing religion, race, class, gender, ethnicity, culture, language, legal status, or birth order. physical or mental condition; 3) Ensure that children have the ability to utilize and express their rights in accordance with the opinion of the child's level of intelligence and according to their age; And the 4th) increase the protection, maintenance, and welfare of children by considering the rights and obligations of parents, guardians, and other people who are generally responsible for children and overseeing the child care system and child development.

The above provides an overview of the various issues that governments and countries should consider as they seek to protect children. It is important to take care of children's overall health.

For communities, families or parents, policies, services, resources and training are needed to prevent child abuse in the community, cited from (Zaini Munawir, et al., 2022). There are several strategies for prevention including: 1) For all parents who want to improve their parenting skills and prevent mistreatment or abuse, including adequate child care and services, supportive workplace policies, and life skills training for children. Life skills include how to handle stress, manage resources, make effective decisions, talk to others, and resolve conflict without violence; 2) Prevention is aimed at high-risk community groups to improve parenting skills, including training and victim services, so that inappropriate treatment does not happen to the next generation; 3) Socialize the Law on Child Protection and the Law on the Elimination of Domestic Violence to inform parents that children have rights that must be protected, especially by their own parents. And lastly; 4) Environmental supervision to help reduce and eliminate the possibility of psychological violence against children in the household.

Every child has the basic right to be protected from all forms of violence, including by their parents. Violence committed by parents is a serious violation of children's human rights and requires strong legal protection. Children's human rights are part of the human rights regulated in the 1945 Constitution of the Republic of Indonesia (UUD 1945). In terms of the life of the nation and state, children are part of the integral part of a country, children are also the young generation who will continue and realize the ideals of the nation. So that children have the right to live, grow, develop and optimally follow their rights to protection from all kinds of violence. (Riris Eka Setiani; 2016).

Therefore, there needs to be legal protection that protects the rights of children in the life of the nation and state. Legal protection of children can be interpreted as an effort to protect the law against various fundamental rights and freedoms of children as well as various interests related to children's welfare (Harahap, 2016). Therefore, violence against children in the family committed by their own parents is basically a crime even though the motivation is right. However, its implementation by committing abuse is the wrong way (Zaini Munawir; et al). Violence committed against children has several impacts such as children becoming disrupted in their education, children becoming aggressive and death due to physical damage experienced by children (Alycia Sandra Dina Andhini & Ridwan Arifin, 2019).

CONCLUSION

Based on the above, it can be concluded that children who experience physical or mental abuse can experience mental health problems such as stress, anxiety, depression, and psychological trauma. They also often experience behavioral changes, learning difficulties, and serious emotional problems. It is important to remember that each child's reaction to violence varies and depends on a variety of factors, including age, type of violence, duration, and available social support. Preventing violence against children and providing appropriate support for those who experience violence are important to ensure well-being and good development.

The results of this study indicate: a). Forms of legal protection against child victims of criminal acts of violence by parents b). Factors of child abuse committed by parents c). Efforts to overcome violence against children by parents. Based on these findings, the author states: it is necessary to do as much as possible to prevent child abuse through the community, parents and law enforcement so that violence against children does not occur. And the maximum handling is done so that it is not fatal to the development of the victim. Maximizing the potential and aspects of the existing community, and efforts to deal with violence against children in preventing and dealing with violence.

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